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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

STEPHEN M. ALLEN ET AL.

CASE NO.: BB1171 USDIV

SERIAL NO.: 09/854,731

GROUP ART UNIT: 1652

FILED: MAY 14, 2001

EXAMINER: MARYAM MONSHIPOURI

FOR: PLANT PROTEIN KINASES

PETITION UNDER 37 CFR 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT
FOR FAILURE TO RECEIVE ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

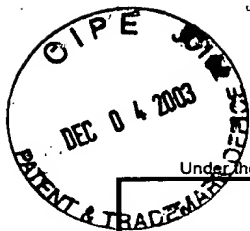
Sir:

Applicants hereby petition under 37 CFR 1.181 to withdraw the holding of abandonment set forth in the Notice of Abandonment mailed on July 17, 2003.

A Notice of Allowance for the above-identified application was mailed by the USPTO on January 31, 2003.

Within three months of this date, on April 24, 2003, a Request for Continued Examination and a Correction of Inventorship under 1.48(a) was submitted by facsimile to the USPTO by our agents at the time, Connolly, Bove, Lodge & Hutz, L.L.P. A total of ten (10) pages, described below, were submitted. A facsimile autoreply from the USPTO, confirming receipt of the facsimile, was received by Connolly, Bove, Lodge & Hutz.

Attached hereto is a statement by Kathleen Lytle of Connolly, Bove, Lodge & Hutz, certifying that she did indeed send ten (10) pages by facsimile to the USPTO on April 24, 2003.



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PTO/SB/92 (08-03)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 2, 2003
Date

Susan L. Durkee
Signature

SUSAN L DURKEE

Typed or printed name of person signing Certificate

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09/854,731

BB1171 USDIV

PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING

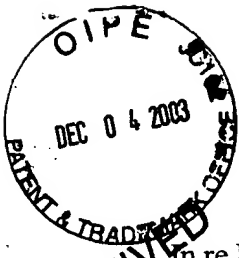
OF ABANDONMENT FOR FAILURE TO RECEIVE ISSUE FEE

ATTACHMENTS TO PETITION (13 PAGES)

RETURN RECEIPT POSTCARD

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: BB1171USDIV (7560-43)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stephen M. Allen

Conf. No.: 1564

Application No.: 09/854,731

Filed: May 15, 2001

Group Art Unit: 1652

For: PLANT PROTEIN KINASES

Examiner: Maryam Monshipouri, Ph.D

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACSIMILE TRANSMISSION

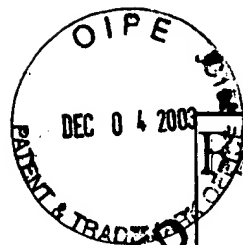
Sir:

I hereby certify that I personally sent ten (10) pages, copies of which are attached, which are identified on the attached "Certificate of Transmission Under 37 CFR 1.8" related to the above-identified application, by facsimile transmission to the United States Patent and Trademark Office, Fax. No. (703) 872-9307 on April 24, 2003. A copy of the Auto-Reply Facsimile Transmission page and the Transaction Report also is attached.

Respectfully submitted,

Kathleen Lytle

297911

**FAX TRANSMISSION****DATE:** April 24, 2003**PTO IDENTIFIER:** Application Number 09/854731

Patent Number

Inventor: Stephen M. Allen, et al**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) ~~308-4242~~ 872-9307**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Mark E. Freeman

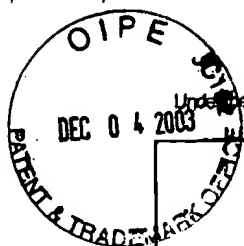
PHONE: (302) 658-9141**Attorney Dkt. #:** BB1171 USDIV (7560-43)**PAGES (Including Cover Sheet):** 10**CONTENTS:**

Dear Examiner Monshipouri:

Attached is an RCE for the above referenced application. Please direct any questions to Mark Freeman. My direct phone at (302) 888-6209. Thank you.

If your receipt of this transmission is in error, please notify this firm immediately by collect call to (302) 658-9141 and send the original transmission to us by return mail at the address below.

CONNOLLY BOVE LODGE & HUTZ LLP
P. O. Box 2207, Wilmington, Delaware 19899-2207
Telephone: (302) 658-9141 **Facsimile:** (302) 658-5614

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TECH CENTER 1800/2200

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

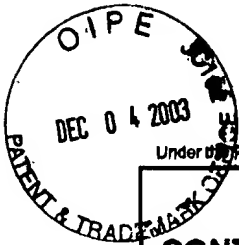
on April 24, 2003
Date

Kathleen Lytle
Signature

Kathleen Lytle
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Request for Continued Examination (1 page);
Fee Transmittal (1 page);
Request to Correct Inventorship under 1.48(a) (2 pages);
Copy of Combined Declaration and Power of Attorney (2 pages);
Statement from added inventor under 1.48(a)(2) (1 page);
Consent of Assignee to Correct Inventorship (1 page); and
Charge \$750.00 to deposit account 03-2775.



PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/854731
Filing Date	May 14, 2001
First Named Inventor	Stephen M. Allen
Group Art Unit	1652
Examiner Name	M. Monshipouri
Attorney Docket No.	BB1171USDIV (7560-43)

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TECH CENTER 1600-3000

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on April 10, 2003
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request to Correct Inventorship Under 1.48(a)

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

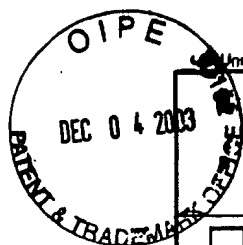
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-2775
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.138 and 1.17)
- iii. ☒ Other 1808 Processing Fee for Request for Correction of Inventorship, \$130
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark E. Freeman	Registration No. (Attorney/Agent)	48,143
Signature		Date	April 24, 2003

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-4242, on the date shown below.

Dated: 4/24/03 Signature: Kathleen Lytle (Kathleen Lytle)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0561-0032

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 880.00

Complete If Known

Application Number 09/854731
Filing Date May 14, 2001
First Named Inventor Stephen M. Allen
Examiner Name M. Monshipouri
Group Art Unit 1652
Attorney Docket No. BB1171USDIV (7560-43)

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

03-2776

Deposit Account Name

Cannolly Bove Lodge & Hutz LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to this above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	90	Provisional filing fee	

SUBTOTAL (1) (\$) 0.0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = x =
Independent Claims -3** = x =
Multiple Dependent =

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.0

**or number previously paid, if greater; For Reissuance, 500 above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,610	1451	1,610	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or release)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1490	130	1490	130	Partitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	760	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750.00
1902	900	1902	900	Request for expedited examination of a design application	
Other fee (specify)	1809			Processing fee, except in provisional applications	130.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 880.00

SUBMITTED BY

Name (Print/Type) Mark E. Freeman

Registration No. (Attorney/Agent)

48,143

Complete (if applicable)

Telephone (302) 658-9141

Signature

Date

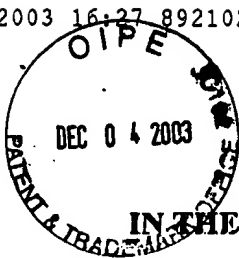
April 24, 2003

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. , on the date shown below.

Dated: 4/23/03

Signature: Kathleen Lytle

(Kathy E. Lytle)



Docket No.: BB1171USDIV (7560-43)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Patent Application of:
Stephen M. Allen

Conf. No.: 1564

DEC 08 2003

Application No.: 09/854,731

TECH CENTER 1600/2900

Filed: May 15, 2001

Group Art Unit: 1652

For: PLANT PROTEIN KINASES

Examiner: Maryam Monshipouri, Ph.D

REQUEST FOR CORRECTION OF INVENTORSHIP PURSUANT TO 37 CFR §1.48(a)

BOX RCE
Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby requests correction of inventorship in this non-provisional application under the provisions of 37 C.F.R. §1.48(a).

The following items of information and attachments are submitted in support of this Request:

- (1) The inventorship correction required is to add Jian-Ming Lee, 13 Pine Tree Place, West Caldwell, NJ 07006, a citizen of the The People's Republic of China;
- (2) A Statement from Mr. Lee that the error in inventorship occurred without deceptive intention on his part is enclosed herewith;
- (3) A combined Declaration and Power of Attorney by the actual inventors as required by C.F.R. §1.63 is enclosed herewith;
- (4) A Statement by the assignee of the originally-named inventors providing consent to the change in inventorship. The assignment was recorded in the USPTO on January 30, 2002 at Reel 012561, Frame 0155; and
- (5) The processing fee of \$130 set forth in 37 C.F.R. §1.17(i), provided via deposit account authorization.

Attorney Docket No.: 7560*10 (BB1176USDIV)
Appl. Ser. No. 09/882,691

Favorable action on this Request is requested.

If the Examiner believes that a telephone or personal interview would serve to expedite processing of this Request or any other matter bearing on allowance of this application, the undersigned attorney is available at the telephone number indicated.

If additional fees are necessary with this communication, the Director is hereby authorized to charge any fees, or credit any overpayment, associated with this Request, including any extension fees, to CBLH Deposit Account No. 03-2775.

Respectfully submitted,

By 

Mark E. Freeman

Reg. No. 48,143

CONNOLLY BOVE LODGE & HUTZ, LLP

P.O. Box 2207

Wilmington DE 19899-2207

Tel.: 302-888-6209

Fax: 302-658-5614

Attorneys for Applicant

Encl: Statement of No Deceptive Intent from Additional Inventor
Combined Declaration and Power of Attorney by the actual inventors
Statement by the assignee of the originally-named inventors providing consent.
Fee Transmittal for the processing fee of \$130

261633

04/22/2003

14:27

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APK.22.2003 10:14 8921026

CROP GENETICS IPM GROUP

#0019 P.009/009

COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney Docket No.

766043 (BB1171USDIV)



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Plant Protein Kinases the specification of which

(check one)

☐ is attached hereto,☒ was filed on May 14, 2001 asApplication Serial No. 09/854,731 andwas amended on _____
(if applicable)was amended through _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §110(a)-(d) or 385(b) of any foreign application(s) for patent or inventor's certificate, or 385(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Date/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application

09/247,801
(Application Serial No.)

JULY 2, 1999
(Filing Date)

Granted 19,282,345
(Patent No.)
(Inventor, applicant, assignor)

I hereby claim the benefit under 35 U.S.C. §110(e) of any United States provisional application(s) listed below.

60/282,438
(Application No.)

JULY 10, 1998
(Filing Date)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon,

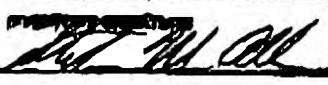

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DEC 08 2003

TECH CENTER 1600/2990

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

In the matter of the above-captioned application, please recognize the attorneys associated with CUSTOMER NUMBER 8921026, all of CONNOLLY BOVE LODGE & HUTZ LLP, as attorneys with full power of authorization to prosecute this application and conduct all business in the Patent and Trademark Office connected therewith.

Send Correspondence To: Connolly Bove Lodge & Hutz LLP P.O. Box 2207 Wilmington, Delaware 19808-2207		Direct Telephone Calls To: (800) 858-9161
FULL NAME OF FIRST OR FIRST INVENTOR Stephen M. Allen	INVENTOR'S SIGNATURE 	DATE April 23, 2003
POST OFFICE ADDRESS 2225 Rosewood Drive, Wilmington, DE 19810		CITIZENSHIP U.S.A.
POST OFFICE ADDRESS 2225 Rosewood Drive, Wilmington, DE 19810		
FULL NAME OF SECOND JOINT INVENTOR IF ANY Benjamin Lee	INVENTOR'S SIGNATURE 	DATE 4/22/03
RESIDENCE 18 Pine Tree Place, West Caldwell, NJ 07006		CITIZENSHIP P. R. China
POST OFFICE ADDRESS 13 Pine Tree Place, West Caldwell, NJ 07006		
FULL NAME OF THIRD JOINT INVENTOR IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF FOURTH JOINT INVENTOR IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		

04/22/2003

14:27

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NU.952 0004

PATE-TE 2003 10:24, 09:45:45

CROP GENETICS IPM GROUP

P.009/000

PATENT RECEIVED

DEC 08 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

STEPHEN M. ALLEN ET AL.

CASE NO.: BB1171USDIV(7560*43)

TECH CENTER 1600/2900

APPLICATION NO.: 09/854,731

GROUP ART UNIT: 1652

FILED: MAY 14, 2001

EXAMINER: M. MONSHIPOURI

FOR: PLANT PROTEIN KINASES

CONFIRMATION NO.: 1584

STATEMENT UNDER 37 C.F.R. §1.48(a)(2)Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The error in inventorship in the above-identified application occurred without
deceptive intention on my part.

Respectfully submitted,

Date:

4/22/03


Jian-Ming Lee

PATENT RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 08 2003

TECH CENTER 1600/2900

In the Application of:

STEPHEN M. ALLEN ET AL.

CASE NO.: BB1171USDIV(7560*43)

APPLICATION NO.: 09/854,731

GROUP ART UNIT: 1652

FILED: MAY 14, 2001

EXAMINER: M. MONSHIPOURI

FOR: PLANT PROTEIN KINASES

CONFIRMATION NO.: 1564

CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP UNDER 37
C.F.R. 1.48(a)(5)Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The assignee of the above-named application, E. I. du Pont de Nemours & Company, hereby consents to the correction of inventorship being filed herewith.

Respectfully submitted,

*Barbara J. Massie*Name: Barbara J. Massie
Title: Assistant Secretary,
Patent BoardDate: 4/23/2003

04/24/03 19:11:27

USPTO->

3026585614 Rig' FAX

Page 001



TO: Auto-reply fax to 3026585614 COMPANY:

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Auto-Reply Facsimile Transmission

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UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 3026585614

Fax Information

Date Received:

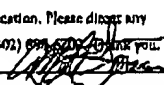
4/24/03 7:02:49 PM [Eastern Daylight Time]

Total Pages:

10 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
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APR-24-2003 THU 07:04 PM CBLM LLP #1	FAX NO. 3026585614	P. 01/10
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Inventor: Stephen M. Allen, et al.		
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